

REMARKS

I. Overview of the Office Action

Claims 1-3, 6-12, 14-16, 19-22, 24-26, 28, 29, and 31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimura (U.S. Patent Application Publication No. 2002/0059031), Wen (U.S. Patent No. 6,341,959), and Papadopoulos (U.S. Patent No. 6,099,320).

Claim 4, 17, and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimura, Wen, Papadopoulos, and Braunberger (U.S. Patent Application Publication No. 2003/0077559).

Claim 5 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimura, Wen, Papadopoulos, and Polanyi (U.S. Patent Application Publication No. 2003/0093275).

Claim 13, 23, and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimura, Wen, Papadopoulos, and McElwrath (U.S. Patent Application Publication No. 2004/0009462).

Claims 1, 8-10, 14, 20, 24-26, 28, and 31 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 4, 5, 11, 12, 14-18, and 25 of U.S. Patent 6,654,695 to Shimura.

II. Claims Rejections - 35 U.S.C. § 103

A. Rejection of claims 1-3, 6-12, 14-16, 19-22, 24-26, 28, 29, and 31

Claims 1-3, 6-12, 14-16, 19-22, 24-26, 28, 29, and 31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wen, Shimura, and Papadopoulos.

Claim 1 recites among other elements: “the second examination chart having a combination of plural questions concerning contents of the inspection sentences ..., wherein the answers to the second examination chart are to be made ... based on a memory of the subject obtained by reading the inspection sentences when the subject answers the first examination chart.”

The Examiner asserts that Wen describes the above-recited features of claim 1.

Wen describes partial sentences with blanks and challenges the learner to select a correct word as a fill-in. (Col. 4, lines 19-27, 47-63).

Accordingly, Wen does not teach or suggest “the second examination chart having a combination of plural questions concerning contents of the inspection sentences.” The examples provided in the portions of Wen, cited by the Examiner, do not even have the question marks.

The Examiner also asserts that the answers to the alleged questions in Wen are provided by the user based on the memory, from answering the first examination chart. (See Office Action, page 4, lines 1-3).

However, Wen teaches selecting a correct word from the presented selection of words, to thereby form a correct sentence. Accordingly, the Wen’s subject does not need to remember the details of the story to select a correct answer, but rather needs to understand the meaning of the word as it is applicable to the sentence. In other words, the Wen’s subject is taken through a known process of learning a foreign language in which one is to discern the meaning of the words as they are taken together in the sentence.

To the contrary, the claimed second examination chart challenges the subject’s ability to understand and remember certain details of the story, from previously working on the first examination chart.

The Examiner overlooks the fact that the present invention is for the inspection of dementia, and identifies the present invention as the same as a test (intellectual load) for intellectual training.

In intellectual training, it is natural to expect some training effects (apart from efficiency) irrespective of how intellectual loads are given. But, in a dementia test, such as in the present invention, to check whether a subject has dementia, the test is meaningless if it is not possible to distinguish properly whether a personal ability of the subject is just low or the subject shows an indication of dementia.

Accordingly, claim 1 recites that the answers to the second examination chart are “based on a memory of the subject obtained by reading the inspection sentences when the subject answers the first examination chart.” The subject matter of claim 1 realizes not just an ability test, but the inspection sequence which is appropriate for checking the condition of dementia.

Accordingly, Wen and Papadopoulos are not analogous art because these two references are not in the field of testing the dementia and are not reasonably pertinent with the problems of testing the dementia condition.

Further, the Examiner appears to believe that it is obvious to combine Shimura with Wen and Papadopoulos based on the fact that Shimura discloses usefulness of the inspection sentences of the first examination chart. But, from a point of view of checking the condition of dementia, a first test while reading sentences and a second test based on the memory obtained by reading the sentences make a brain of a subject work in a different way in each test.

Thus, it is necessary to judge the usefulness separately for each test. Shimura describes that the inspection sentences of the first examination chart are useful in a test while reading the sentences. However, Shimura does not teach or suggest that the inspection sentences of the first examination chart are also useful in a subsequent test based on the memory obtained by reading the sentences.

Accordingly, claim 1 does not just proposes a test based on the memory of the sentences, but recites a new inventive concept of administering multiple tests, in which an additional test based on the memory of sentences obtained in a first test while reading the sentences is carried out. Shimura does not teach or suggest that the multiple tests are useful from a point of view of checking the condition of dementia. Moreover, Wen and Papadopoulos cannot compensate any above-discussed deficiency of Shimura because these references have no relation to the inspection of dementia.

As described in paragraph 12 of the specification of the present application, inspection sentences make it possible to obtain evaluation with respect to the attention distributing ability required to pick up color words representing colors from the inspection sentences, and evaluation with respect to the attention distributing ability required to determine whether color represented by a color word and color of the color word match with each other or not (the effect of the first examination chart). Further, the inspection sentences also make it possible to obtain evaluation with respect to the attention distributing ability required to understand and memorize the contents of the inspection sentences (the effect of the second examination chart). With this, it is possible to carry out a test having higher difficulty level as compared with the above-described Shimura's word color discerning test.

Therefore, claim 1 is not obvious over Wen, Shimura, and Papadopoulos.

Accordingly, Applicants respectfully submit that none of Wen, Shimura, or Papadopoulos teaches or suggests at least “the answer obtaining section obtains answers from a subject to a first examination chart and a second examination chart, ... the second examination chart having a combination of plural questions concerning contents of the inspection sentences..., wherein the answers to the second examination chart are to be made by the subject within a second predetermined answer time limit based on a memory of the subject obtained by reading the inspection sentences when the subject answers the first examination chart,” and also there is no teaching, suggestion, or motivation to combine Wen, Shimura, and Papadopoulos.

It is, therefore, respectfully submitted that **claim 1 and dependent claims 2, 3, and 6-12** are patentable over Shimura, Wen, and Papadopoulos, taken singularly or in combination.

Independent **claims 14, 26, and 31** each recites features similar to those recited in claim 1. Therefore, **claims 14, 26, and 31** are patentable at least for the reasons similar to those discussed above regarding claim 1. Dependent **claims 15, 16, 19-22, 24, 25, 28, and 29** are patentable at least by virtue of their dependencies.

B. Rejection of claims 4, 5, 13, 17, 18, 23, 27, and 30

Claim 4, 17, and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimura, Wen, Papadopoulos, and Braunberger.

Claim 5 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimura, Wen, Papadopoulos, and Polanyi.

Claim 13, 23, and 30 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimura, Wen, Papadopoulos, and McElwrath.

Shimura, Wen, and Papadopoulos do not meet all of the features of any of the independent claim 1, 14, or 26. Neither Braunberger, Polanyi, nor McElwrath compensates for any deficiency of these references. Therefore, **claims 4, 5, 13, 17, 18, 23, 27, and 30** are patentable at least by virtue of their respective dependencies.

III. Claims Rejections - Double Patenting

Claims 1, 8-10, 14, 20, 24-26, 28, and 31 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 4, 5, 11, 12, 14-18, and 25 of U.S. Patent 6,654,695 to Shimura.

As discussed above, none of Wen, Shimura, or Papadopoulos teaches or suggests at least “the answer obtaining section obtains answers from a subject to a first examination chart and a second examination chart, ... the second examination chart having a combination of plural questions concerning contents of the inspection sentences..., wherein the answers to the second examination chart are to be made by the subject within a second predetermined answer time limit based on a memory of the subject obtained by reading the inspection sentences when the subject answers the first examination chart,” and also there is no teaching, suggestion, or motivation to combine Wen, Shimura, and Papadopoulos.

Thereby, the nonstatutory obviousness-type double patenting rejection over Shimura is respectfully traversed.

CONCLUSION

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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